

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

MERCK SHARP & DOHME LLC,

Plaintiff,

v.

LUPIN LTD. and LUPIN  
PHARMACEUTICALS, INC.,

Defendants.

Civil Action No. 23-00094 (CCC) (LDW)

*Document Electronically Filed*

**CONSENT JUDGMENT**

Plaintiff Merck Sharp & Dohme LLC (“Merck”) and Defendants Lupin Ltd. and Lupin Pharmaceuticals, Inc. (collectively “Lupin”), the parties in the above- captioned action, by their respective undersigned attorneys, hereby stipulate and consent to entry of judgment and an injunction in the action, as follows:

IT IS this 21 day of May, 2024:

ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction over the subject matter of the above actions and has personal jurisdiction over the parties.

2. As used in this Consent Judgment, (i) the term “Lupin Product” shall mean the drug product containing raltegravir as its sole active ingredient sold, offered for sale, or distributed pursuant to Abbreviated New Drug Application No. 217990; (ii) the term “Licensed Patents” shall mean United States Patent Numbers 7,754,731; 8,771,733; 9,649,311; and 10,772,888; and (iii) the term “Affiliate” of any entity or person shall mean any entity or person that, directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with the first entity or person; for purposes of this definition, “control”

means (a) ownership, directly or through one or more intermediaries, of (1) more than fifty percent (50%) of the shares of stock entitled to vote for the election of directors, in the case of a corporation, or (2) more than fifty percent (50%) of the equity interests in the case of any other type of legal entity or status as a general partner in any partnership, or (b) any other arrangement whereby an entity or person has the right to elect a majority of the Board of Directors or equivalent governing body of a corporation or other entity or the right to direct the management and policies of a corporation or other entity.

3. The making, having made, using, selling, offering to sell or importing of the Lupin Product in the United States infringes the Licensed Patents.

4. Unless otherwise specifically authorized by Merck or its successors in interest or assigns, Lupin, including any of its Affiliates, successors, and assigns, is enjoined from infringing the Licensed Patents, on its own part or through any Affiliate, by making, having made, using, selling, offering to sell or importing the Lupin Product in the United States.

5. Compliance with this Consent Judgment may be enforced by Merck and its successors in interest or assigns.

6. Nothing herein restricts or is intended to restrict the U.S. Food and Drug Administration from approving ANDA No. 217990.

7. This Court retains jurisdiction to enforce or supervise performance under this Consent Judgment.

8. All claims, counterclaims, affirmative defenses, and demands in this action are hereby dismissed with prejudice and without costs, disbursements, or attorneys' fees to any party.

We hereby consent to the form and entry of this Order:

s/ William P. Deni, Jr.  
William P. Deni, Jr.  
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*Attorneys for Defendants  
Lupin Ltd. and Lupin Pharmaceuticals, Inc.*

**SO ORDERED** this 21 day of May 2024.



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Hon. Claire C. Cecchi, U.S.D.J.